

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL JOHN MULLINS,

Petitioner,

V.

WASHINGTON STATE SUPREME COURT

Respondent.

Case No. C08-5443BHS/JKA

ORDER TO AMEND
OR CHANGE CASE
CAPTION

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 1).

The court has reviewed the petition prior to service. Mr. Mullins names the Washington State Supreme Court as the only respondent. Mr. Mullins is in custody and should have named the superintendent of the facility where he is currently housed.

28 U.S.C. § 2243 indicates that writs are to be directed “to the person having custody of the person detained.” This person typically is the superintendent of the facility in which the petitioner is incarcerated. Failure to name the petitioner's custodian deprives federal courts of personal jurisdiction. *Stanley v. California Supreme Court*, 21 F.3d 359, 360 (9th Cir. 1994).

ORDER

1 Petitioner is ordered to file an amended petition naming the proper respondent, or file a
2 motion to change the case caption. The new petition or motion must be filed on or before **August**
3 **22, 2008** or the court will recommend dismissal of this petition on jurisdictional grounds.

4 The clerk is ordered to send copies of this order to the petitioner c/o Michelle Mullins
5 9721 52nd Dr. N. E. Marysville, Wash 98270

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7 DATED this 25 day of July, 2008.

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10 /S/ J. Kelley Arnold
11 J. Kelley Arnold
12 United States Magistrate Judge
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28 ORDER